

INDIANA LEGISLATURE.

[Omissions and corrections of this report for want of space in this column will appear in an appendix to Volume XXII of the *Brewer Legislative Reports*.]

IN SENATE.

Wednesday, Feb. 18, 1885—10 a. m.

SENATE BILLS PASSED.

Mr. Winter's bill (S. 11) concerning the tax that may be levied by County Boards where the population is over 25,000—applied only to Marion County. It was read by Mr. Overstreet and passed the third time and passed by yeas 33, nays 3.

Mr. Duncan's bill (S. 61) intended to restore regularity of a three years' term of County Commissioners, to provide a method for calculating the terms and to prevent litigation, was read the third time and passed by yeas 37, nays 2.

DEBATED LEGISLATION.

Mr. Bryan's bill (S. 110—see page 37) to protect the people from the compounding of medicines by incompetent persons, was read the third time—

Mr. McIntosh was sorry to oppose this bill, because introduced by his colleague of years ago in the lower House. But it is the product of the State Pharmaceutical Association, and its object is to put the drug trade under the supervision and control of that association. It was printed by that association and distributed in this General Assembly. It requires the Governor to appoint just such a board as that association may direct. Before a man is permitted to continue in his business he will be required to obtain a license, such as the United States Government requires of certain trades. It only permits the sale of a few things, such as may be put up and labeled by a licensed pharmacist.

Mr. Smith, of Jennings, moved to recommit the bill with instructions to amend by directing provisions to be made in the name of the State, not in the name of the people, as the bill reads.

This amendment was made by consent.

The bill failed to pass by yeas 18, nays 22.

HOUSE BILLS PASSED.

Mr. Macey's bill (H. 125) to amend Sec. 1 of the act of March 5, 1883, concerning the paying over by officers of trust funds was read the third time and passed by yeas 32, nays 12.

Mr. Macey explained: It is to cure a defect in the act which was intended to apply to all officers, but only fixes a penalty against Clerks, Treasurers and Sheriffs. This bill will make the law apply to all officers having the custody of trust funds.

HOUSE BILLS PASSED TO THE THIRD READING.

The bill (H. 27) to amend Sec. 1, 404 of the code in relation to the County of the Peace, was read the second time and referred to the Committee on Pharmacy.

The bill (S. 17) to legalize the appointment and acts of trustees in certain cases—when more than one has been made in cases of voluntary assignments—was read the second time, with committee amendments, which were concurred in.

The bill (H. R. 39—see page 99) to authorize County Commissioners to make suitable appropriations for the education of pauper children was read the second time.

The bill (H. R. 49) to amend Sec. 740 of the act of April 7, 1881—Sec. 1, 240 of the code—concerning proceedings in civil cases, was read the second time.

SUPREME COURT CLERK RECORDS.

The bill (H. R. 72) to amend Sec. 5, 530 of the code, coming up on the second reading, two reports from the Committee on Organization of Courts were read, the majority recommending it to be indefinitely postponed, and the minority recommending the bill to pass.

Mr. Macey said: It is substantially the Senate bill introduced by himself.

Mr. Macey: The committee was not full when the bill was considered, but he did not hear an objection to the majority report—four being present.

Mr. Campbell, of Hendricks, moved to substitute the minority for the majority report.

On motion by Mr. Sellers it was laid on the table—yeas 21, nays 21.

Mr. Yonche's bill (H. 12—see page 18) was read the second time and ordered engrossed.

CHILDREN LABOR.

Mr. Bailey's bill (H. 20—see pages 37 and 107) coming up on the second reading, with a pending amendment to make the age fourteen instead of twelve.

The amendment was rejected—yeas 10, nays 26.

Mr. Bailey moved to insert "thirteen" instead of fourteen as the limit of years under which no child shall be engaged.

This amendment was also rejected by yeas 20, nays 25.

Mr. Foulke in explanation of his vote saying: I think the Democratic two-third majority upon the floor of this Senate is entitled to the assistance of at least one or two Republicans in the aisle, earnest and distinguished efforts to prove to the people of Indiana that it means what it said in its State platform and if it can't prove it meant what it said, to help it come as nearly to what it said as possible, and therefore, in favor of the thirteen year limitation, and I vote "aye."

Mr. Johnson, of Tippecanoe: I desire to say in explanation that I voted in favor of the fourteen, and over the county, that being out of the way, now I shall vote "aye" on this question.

Mr. McCullough, when his name was called, said: I desire to keep within the spirit of the Democratic platform. My friend, the Senator from Wayne (Mr. Foulke), has been reading Republican literature so long that he is unable to read aright a Democratic platform. So far as this legislation is intended to protect children from being employed in pursuits that are dangerous, or will cause them to be cruelly treated or overworked, that I am in favor of the legislation. But the legislation must be on the ground of protection to the children, not upon the ground of taking their labor out of competition of older persons. If it is put upon the ground of taking their labor out of competition with other persons, you might as well attempt to prevent all persons worth over \$10,000 from engaging in certain employments. A proposition foreign to our institutions. Citizens of this country are supposed to be free and equal before the law. A monopoly ought not to be created or attempted by excluding from competition any class of persons. I think the age of twelve is the proper one to place the restriction, and I vote "no."

Mr. Willard, when his name was called, said: I think there can be no misapprehension as to what the Democratic platform says. It says distinctly, (Reads.) I am distinctly in favor of that, no matter what the Republican party may have done. I am aware it has been false to every pledge for the last eighteen years, but that's no excuse for the Democratic party, when it came into power, to break pledges to the people it made to put it there. I voted to place the

limit at fourteen years, just as the platform which we carried this State upon, and gained a two-thirds majority in this Senate, says it should be, but I am not one of those who believe in "rule or ruin." If I can't get all I want, I take the next best thing, I therefore vote, under protest, for thirteen years because I can't get fourteen, I vote "aye."

The vote was taken as announced above, and so the amendment was defeated.

Mr. Bailey moved that the bill be engrossed.

Mr. Drake: If the purpose of the bill is to protect child labor from competition with adult labor, it is defective, because there are thousands of employments outside of mines and factories where children come into competition with adult labor. If the purpose is to protect children who are too young to know the hazard of dangerous employments, I think I ought to be limited to a prohibition from being in those factories where there is danger to life or limb, and the bill ought to enumerate such dangerous employments. I am not willing to vote that a child shall not earn its own living in the best manner possible when there is no danger attaching to the employment. For the purpose of protecting adult labor the bill should be much wider than it is. I move to strike out the words "or engaged in any other kind of manufacturing in the State."

Mr. Bailey: I hope that amendment will not prevail. This bill seeks to prohibit child labor for several reasons, just because there are thousands of employments outside of mines and factories where children come into competition with adult labor. If the purpose is to protect children who are too young to know the hazard of dangerous employments, I think I ought to be limited to a prohibition from being in those factories where there is danger to life or limb, and the bill ought to enumerate such dangerous employments. I am not willing to vote that a child shall not earn its own living in the best manner possible when there is no danger attaching to the employment. For the purpose of protecting adult labor the bill should be much wider than it is. I move to strike out the words "or engaged in any other kind of manufacturing in the State."

Mr. Campbell, of Hendricks: The proposition amounts to a prohibition against employing children in dangerous kinds of labor, such as mining, iron and other minerals and the manufacture of iron and steel, and I think it ought to be adopted.

The amendment was rejected.

Mr. Willard demanded the previous question.

The Senate concurred in the demand, and under its operations the bill was ordered engrossed for the third reading by yeas 25, nays 20.

Mr. Drake: I desire to explain my vote. While the bill is a little broader than I am in favor of, I am in favor of protecting these children from hazardous employment, and as this bill does that to a certain extent I vote "aye."

Mr. Foulke: I desire to say in explanation that I believe if our children are kept out of mines and factories they will have a better race of young men and women in twenty years from now than were they permitted to work in such places. Therefore I vote "aye."

Mr. Foulke, when his name was called, said: I believe the fathers and mothers of the State know better when and where their children shall work than either the Democratic or Republican party, or even the Senate. Therefore I vote "no."

Mr. Rahn: On behalf of the children of this State, I desire to say that I believe there are good many parents who do not use the proper judgment, but who, for the sake of making a few dollars, compel their children to work in factories and mines, not having sense enough to know they are taking away from their children their own bread and butter, and that their children would have better health and be prepared to earn better wages if sent to school. Therefore I vote "aye."

Mr. Sellers, when his name was called, said: I believe the fathers and mothers of the State know better when and where their children shall work than either the Democratic or Republican party, or even the Senate. Therefore I vote "no."

Mr. Thompson: I think the passage of the present bill will be a step toward compulsory education, therefore I vote "aye."

The vote was then announced as above, so the bill was ordered engrossed.

Then came a recess for dinner.

AFTERNOON SESSION.

Mr. Brown's bill (S. 8) to provide for the election of County Superintendents, was read the second time, with a favorable committee report and a report recommending that the bill be laid on the table.

Mr. Willard: This bill proposes to take the election of County Superintendents from the Township Trustees, and have that office elected by the people. We ought not to make a violent change without there is some good reason for it. The Trustees have the best opportunities to judge of the necessities of the school. This office should not be placed in a popular election; if so, this office will go like all others, and being lost on the list, will be subject to trades and political bargains. Mr. Foulke, of the amendment of the bill, proposes to give the necessities of the school. Two years ago the grades of teachers were elevated by a law then passed. Under it a great many incompetent teachers have failed to pass examination, and to those that did pass, it gave the right to the privilege of selecting the best of the teachers. I believe every teacher should be a graduate of the State Normal School. Two years ago the grades of teachers were elevated by a law then passed. Under it a great many incompetent teachers have failed to pass examination, and to those that did pass, it gave the right to the privilege of selecting the best of the teachers. I believe every teacher should be a graduate of the State Normal School.

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